



**Secretariat, WG-ITRs**

**DRAFT REPORT TO THE COUNCIL**

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# COUNCIL 2005

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Agenda item: PL

## Final report by the Chairman of the Council Working Group on the International Telecommunication Regulations (ITRs)

### Summary

Resolution 121 (Marrakesh, 2002) resolves that the Union should continue a process of reviewing the ITRs and instructed Council to establish a working group on the ITRs to prepare a final report, at the latest by the 2005 session of Council, for transmission to the 2006 plenipotentiary conference.

Pursuant to Resolution 121, the extraordinary session of the 2002 Council at Marrakesh established a working group to continue a review of the ITRs. However, the nomination of the Chairman for the Working Group only took place at Council 2003. At Council 2003, Mr. Alaa Fahmy (Egypt) was appointed as Chairman of the Working Group and requested to start the ITRs review process, using mainly electronic working methods. At Council 2004, the Chairman presented a progress report.

### Action required

Pursuant to Resolution 121, Council is requested to consider the final report by the Group and make any comments it considers appropriate before the final report and comments are transmitted to Member States and to the 2006 plenipotentiary conference, including recommendations on any appropriate treaty changes, and whether there is a need to convene a world conference on international telecommunications.

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### References

*PP Res. 121. C04/17, C05/EP/xx.*

## **REPORT BY THE CHAIRMAN OF THE COUNCIL WORKING GROUP ON ITR REVIEW (WG-ITR)**

### **1. Introduction**

1.1 The Plenipotentiary Conference (Marrakesh, 2002) adopted [Resolution 121](#), which resolved that the process of reviewing the [International Telecommunication Regulations](#) (ITRs), should be continued. To this end, it recommended that the Council establish a working group (WG-ITR), open to all Member States, to include appropriate legal, regulatory and technical experts, with the following terms of reference:

1. to take into account the results of the work carried out under Resolution 79 (Minneapolis, 1998) and all contributions to this conference on the issue as baseline reference documents;
2. to study the ITRs and prepare recommendations on which provisions, if any, should be terminated, retained in the ITRs, transferred to the Constitution or Convention, or embodied in ITU Recommendations;
3. to prepare recommendations of required draft texts for amending the Constitution and Convention, if deemed appropriate;
4. to consider whether there is a need for new provisions in the ITRs, which should be dealt with at a world conference on international telecommunications;
5. to identify new issues, if any, that may be the subject of ITU Recommendations;
6. to report to the Council annually on its progress with respect to the issues referred to above, including those conclusions of the group that could form the basis for the Recommendations of the three ITU Sectors;
7. to prepare a final report, at the latest by the 2005 session of the Council, for transmission to the 2006 Plenipotentiary Conference,

Resolution 121 also invites contributions from Member States, Sector Members, advisory groups, regional preparatory meetings, regional organizations (in line with Resolution 58, (Kyoto, 1994)) and other organizations.

1.2 In the 2003 ordinary session of Council, Mr. Alaa FAHMY (Egypt) was appointed as the Chairman of WG-ITR. Council requested that work be started as soon as possible, preferably by using electronic working methods ([see summary record, Document C03/93](#))

1.3 In the 2004, the Chairman presented a report of work to date, C04/17.

### **2. Actions taken since Council 2004 and their results**

2.1 As agreed at Council 2004, the Secretary-General sent DM-1141 on 22 June 2004 to all Member States, containing a questionnaire and requesting replies by 15 September 2004. In addition, contributions to the work were requested by 15 November 2004.

2.3 The second meeting of WG-ITR was held on 6-7 December 2004, in Geneva. Some 45 experts from 22 Member States attended the meeting. The meeting examined 33 responses to the questionnaire sent on 22 June. Responses can be found at:

<http://www.itu.int/ITU-T/secured/itr/replies/index.html>

It also examined 5 contributions from Member States, and 6 contributions from the Management Team (including the Secretariat) and TSB. The contributions can be found at:

<http://www.itu.int/ITU-T/secured/itr/documents/index.html>

The meeting agreed two documents to be used as inputs to the third and final meeting. The report of the second meeting, containing the cited documents, can be found at:

**URL HERE**

2.4 The third and final meeting of WG-ITR was held on 11-13 May 2005, in Geneva. Some **xx** experts from **xx** Member States attended the meeting. The meeting examined the two input documents agreed at the second meeting, as well as **XX** contributions. The contributions can be found at the URL cited above. The report of the third and final meeting can be found at:

**URL HERE**

This document constitutes the final report to Council as agreed at the third and final meeting. The annexes to this report can be found in C05/EP/**xx**.

### **3. Results in accordance with Terms of Reference**

The following paragraphs describe how the Group has met the individual items 1 through 7 of its Terms of Reference (ToR).

3.1 The Group took into account, and used as baseline reference, the documents listed in Annex 1 (see C05/EP/**xx**).

3.2 The Group studied the ITRs in accordance with item 2 of the ToR. It was not possible to find consensus on all topics. The division of views is summarized in Annex 2 (see C05/EP/**xx**).

3.3 Covered by 3.2 above.

3.4 It was not possible to find consensus on new provisions. The division of views is summarized in Annex 3 (see C05/EP/**xx**).

3.5 It was noted that several issues which have arisen since PP-02 are currently being studied in ITU-T and ITU-D. Taking that into account, the Group could not identify any additional issues which should be the subject of study in ITU-T or ITU-D. The Group noted that, in any case, any ITU member can initiate, via contributions, work in ITU-T or ITU-D.

3.6 The Group has reported annually to Council.

3.7 This document contains the final report to Council 2005, for transmission to Plenipotentiary.

### **4. Conclusion**

**There appear to be three distinct, and mutually incompatible, views for how to proceed:**

- a) Leave the basic instruments of the Union (CS, CV, ITRs) essentially unchanged.**
- b) Amend the ITRs so that they are better aligned with current conditions. This may include adding new provisions.**
- c) Abrogate the ITRs and transfer selected provisions to the CS and CV.**

**Implementation of option b would require convening a world conference on international telecommunications (WCIT). In accordance with 48 CV, only the Plenipotentiary can convene such a conference, and the invitation for such a conference would have to be given at least one year before the conference (5 GR, referred to by 12 GR, referred to by 49 CV).**

**However, the duration of the WCIT is open.**

Alaa M. FAHMY  
Chairman, Council Working Group on ITR Review